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January 8, 2016

The Honorable Charles R. Breyer
United States District Court,
Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102

Re: *In re: Volkswagen "Clean Diesel" Marketing*, MDL No. 2672

Dear Judge Breyer:

I write to request appointment to the Plaintiffs' Steering Committee (PSC) in MDL No. 2672. For the reasons detailed below, I believe that my background in government service generally, and in federal environmental enforcement in particular, would enhance and diversify the PSC and prove beneficial to the efficient and effective representations of the plaintiff classes.

Relevant Professional Experience & Commitment of Resources (Criteria 1-5, 8)

My litigation background has prepared me for leadership in this MDL. For the past 30 years, I have devoted my career to obtaining justice for the public, with a particular focus on environmental issues. I began my career as an Assistant U.S. Attorney for the Eastern District of New York, where I served for 11 years, and then became the Assistant Chief of the Environmental Crimes Section of the Department of Justice, in charge of Legislation, Policy and Special Litigation. After six years in that position, I was appointed as General Counsel for the Inspector General, U.S. Department of the Interior. In each of these positions, I was engaged in complex litigation, often of first impression. After 19 years in public service, I served as Executive Director of Waterkeeper Alliance, a not-for-profit water protection organization with hundreds of member programs around the world, and a Clinical Professor of Law at Rutgers Law School.

I have led Weitz & Luxenberg's Environmental, Toxic Tort and Consumer Protection Unit for 10 years, where I have held several MDL leadership positions. I served as the plaintiffs' liaison counsel in *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation* (the "MTBE Litigation"), MDL 1358, before the Honorable Shira Scheindlin.¹ The MTBE Litigation coordinated 200 actions that public water providers brought against 50 oil company defendants. I led that litigation, including presenting on behalf of plaintiffs at our monthly court

¹ The role of liaison counsel in MDL 1358 was akin to lead counsel in other MDLs.

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conferences; arguing over a dozen substantive motions; taking many dozens of fact and expert depositions; participating in the selection of test cases; and successfully defending defendants' interlocutory appeal in the Second Circuit Court of Appeals. I also worked closely with various plaintiffs' counsels to coordinate discovery and brief-writing efforts, while insuring the integration of these efforts into a single, coherent strategy.

For the past five years, I have served on the Plaintiffs' Steering Committee for the BP Oil Spill litigation, MDL 2179, before the Honorable Carl Barbier. In MDL 2179, I was one of two chief negotiators of the Medical Benefits Class Action Settlement and also trial counsel in the Phase Two Trial. I drafted the medical consolidated class action complaint; drafted and argued several substantive motions, including the medical class certification motion; took numerous depositions; drafted written discovery; and identified expert witnesses and assisted preparation of expert reports. In July 2015, the Court appointed me to the Common Benefit and Fee Committee.

I also serve as Plaintiffs' Liaison Counsel in the General Motors LLC Ignition Switch Litigation, MDL 2543, before the Honorable Jesse Furman in the Southern District of New York. My primary role has been coordinating proceedings in the bankruptcy court. Together with other attorneys in my unit, I have also assisted in briefing issues for the Court. Although that MDL remains active, my role typically requires only a few hours per week.² In all of my work and various positions, I have distinguished myself as able to work cooperatively and collaboratively with others, both on the enforcement/plaintiff side and with opposing counsel, for the efficient and effective resolution of complex cases.³

Weitz & Luxenberg is AV-rated law firm with offices in New York, Los Angeles, and New Jersey. The firm has 87 attorneys and 290 support staff. For 30 years, it has represented individuals, groups, communities and classes across the country to obtain redress, including compensation and injunctive relief, resulting from corporate malfeasance. I stand ready to commit myself, my unit and the firm's resources to immediate work on behalf of all plaintiffs. The firm is able and accustomed to providing the financial and human resources support that this case will require; indeed, it has a proven record of committing substantial resources in the many MDLs in which it has been and is currently engaged. My unit, for example, has three attorneys dedicated to this litigation, and we have many more attorneys available to participate in the litigation if and when the need arises to ensure a speedy and just resolution.

I have appeared before numerous judges during my career. As an Assistant U.S. Attorney, I appeared before nearly every Eastern District of New York Judge who served between 1984 and 1995. The judges listed below preside over the three multi-district litigations on which I have worked over the past ten years:

- Hon. Shira Scheindlin, U.S. District Court, Southern District of New York, Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, New York, New York 10007, (212) 805-0246.

² A copy of my resume is attached as Attachment A.

³ Attachment B identifies counsel in this MDL who support my application.

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- Hon. Carl J. Barbier, U.S. District Court, Eastern District of Louisiana, Hale Boggs Federal Building and Courthouse, 500 Poydras Street, New Orleans, Louisiana 70130, (504) 589-7525.
- Hon. Jesse Furman, U.S. District Court, Southern District of New York, Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, New York 10007, (212) 805-0282.

My prior government experiences provide a particularly useful background for this MDL. The agency with which I worked the closest during my government service is the EPA, which here is a vital player in the investigation into the Volkswagen defeat device. And as a former attorney with the Department of Justice, Environment and Natural Resources Division, which brought an action against Volkswagen last week, I am particularly well-suited to assist in the appropriate integration with and coordination of the various actions. In the BP Oil Spill MDL, for example, my understanding of DOJ procedures and my prior relationships with attorneys in the Division provided for smooth, effective and efficient collaboration with the federal and state governments' enforcement actions. Moreover, during and since my government service, I have worked often with many Attorneys General offices; again, collaboration and coordination among the various state actions against Volkswagen will be an important aspect of the efficient and effective adjudication of this MDL. In this regard, the New York Attorney General's Office is helping to spearhead the joint action of various attorneys general against Volkswagen, an office with which I have a longstanding relationship. My knowledge of the workings of government agencies and enforcement attorneys, together with knowing many people likely to be involved, would serve as the bridge connecting the various litigations.

Service on the PSC (Criteria 6 & 7)

I specifically seek a role as a member of the Plaintiffs' Steering Committee, a position where I believe I would best serve Volkswagen owners across the nation, with a particular focus on the environmental statutory and regulatory underpinning to the case. I have served in that role to date, speaking at several conferences and webinars on the Clean Air Act's mobile source provisions and EPA's implanting regulations. My knowledge and experiences in this area, I believe, is relevant to anticipated pleadings, legal briefing, discovery, and settlement negotiations. Further, given the overlapping, yet also distinct, interests of the governments and class members, my understanding and appreciation of these interests from both sides of the aisle are particularly important in this case.

Respectfully submitted,



Robin L. Greenwald

Attachments

Attachment A

ROBIN L. GREENWALD

Professional History

Managing Attorney, Environmental, Toxic Torts, and Consumer Protection Unit, Weitz & Luxenberg, June 2005 to present.

- Plaintiffs' Liaison Counsel for *In re: General Motors LLC Ignition Switch Litigation*, Multi-District Litigation 2543, Southern District of New York.
- Plaintiffs' Steering Committee member for *BP/Deepwater Horizon Oil Spill Litigation*, Multi-District Litigation 2179, Eastern District of Louisiana. Appointment to MDL 2179 Common Benefit Fee and Cost Committee, July 2015.
- Plaintiffs' Liaison Counsel for nationwide litigation against the petroleum industry for contaminating the nation's groundwater with Methyl Tertiary Butyl Ether (MTBE), Multi-District Litigation 1368, Southern District of New York.
- Lead and/or co-lead counsel in numerous other consumer class and environmental cases in federal and state courts.
- Manage unit of ten attorneys and 12 legal assistants.

Associate Clinical Professor of Law, Rutgers School of Law — Newark, Executive Director, Eastern Environmental Law Center, July 2003 to May 2005.

- Litigated federal and New Jersey environmental cases.
- Developed and coordinated clinic legal strategies, policies and advocacy with international, national and local non-profit organizations.
- Taught Environmental Law and the Environmental Law Clinic Seminar.
- Managed environmental law clinic of five attorneys and 20 students per semester.

Executive Director, Waterkeeper Alliance, August 2001 to June 2003.

- Managed and coordinated legal actions of Waterkeeper Alliance, an international water protection non-profit organization.
- Coordinated advocacy, litigation, policy and legislative campaigns of Waterkeeper Alliance's 104 member organizations, spanning North America, Latin America, Europe, and Australia.
- Created strategic and development plans for Waterkeeper Alliance.
- Prepared annual operating budget and financial reports for Board of Directors.

General Counsel, Department of the Interior, Office of Inspector General, October 1999 to July 2001.

- Provided legal advice to Inspector General and Assistant Inspectors General for Audits, Investigations, Program Integrity and Management and Policy.
- Coordinated internal Department of the Interior investigations.
- Consulted with Congress and prepared congressional testimony regarding Department of the Interior issues.
- Developed policy and guidelines for Office of Inspector General.
- Managed Office of General Counsel, Ethics Office and Freedom of Information Act/Privacy Act Office of Office of Inspector General.

Assistant Chief, Environmental Crimes Section, Department of Justice, February 1998 to October 1999; Acting Assistant Chief, May 1997 to January 1998; Senior Attorney, January 1996 to April 1997.

- Managed Section's Policy, Legislation, Training and Special Litigation Group.
- Drafted and commented on proposed regulations by federal agencies involved in environmental enforcement.
- Conducted environmental criminal investigations and prosecutions.
- Advised executive and legislative branches of government regarding criminal and civil enforcement of environmental laws and policies and general criminal law.
- Created training courses and materials and conducted seminars and conferences for federal, state and local criminal and civil environmental enforcement attorneys and law enforcement agents.
- Developed and implemented national environmental enforcement initiatives.
- Managed quarterly publication of Environmental Crimes Bulletin and revision of three-volume Environmental Crimes Manual.

Chief Environmental Attorney/Deputy Chief, Civil Division, Office of the United States Attorney, Eastern District of New York, February 1987 to December 1995; Assistant United States Attorney, November 1984 to January 1987.

- Prosecuted civil and criminal environmental cases in Eastern District of New York.
- Drafted proposed revisions and amendments to federal environmental legislation, including Clean Water Act, Clean Air Act, and Endangered Species Act.
- Reviewed all civil and criminal referrals for environmental enforcement action in Eastern District of New York.
- Participated in federal, state and local task forces for establishment of national policies for environmental prosecutions.
- Advised federal agencies on environmental enforcement issues.
- Drafted environmental policy documents for Department of Justice and federal agencies.
- Trained agents and inspectors on enforcement of environmental laws and regulations.

Visiting Professor of Law, Brooklyn Law School, July 1992 to June 1993 (sabbatical from United States Attorney's Office). Professor of Environmental Law, Evidence and Environmental Litigation.

Educational History

University of Illinois College of Law, Champaign-Urbana, Illinois, J.D., May 1982. University of Illinois Law Review, Member 1980 to 1981, Senior Editor 1981 to 1982; Rickert Scholarship for Excellence in Legal Writing; Best Oral Advocate, First-Year Moot Court Competition.

University of Illinois, College of Liberal Arts and Sciences, Champaign-Urbana, Illinois, 1973 to 1975. B.A. in English and Philosophy, May 1976.

University of Glasgow, Glasgow, Scotland, 1975 to 1976. Honors studies in English and Philosophy.

Attachment B

**Counsel Supporting Application of Robin Greenwald for
Plaintiffs' Steering Committee Position (in alphabetical order):**

Counsel	Firm
Elizaebeth Cabraser	Lieff Cabraser Heimann & Bernstein, LLP
Jayne Conroy	Simmons Hanly Conroy
Stephen Echsner	Aylstock, Witkin Kreis & Overholtz
Eric H. Gibbs	Girard Gibbs LLP
Adam Levitt	Grant & Eisenhofer P.A.
David Paoli	The Paoli Law Firm
Elizabeth Pritzker	Pritzker, Levine LLP
Joe Rice	Motley Rice LLC
Mark Robinson	Robinson Calcagnie Robinson Shapiro Davis, Inc.
William Rossbach	Rossbach Law, P.C.
Don Slavik	Slavik Law Firm, LLC
Todd Smith	Power Rogers & Smith, P.C.
Roland Tellis	Baron & Budd